

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

NHOUPHINH M. XAYMONGKHONH,

Plaintiff,

v.

CASE NO. 8:19-cv-3056-WFJ-CPT

COMMISSIONER, SOCIAL SECURITY  
ADMINISTRATION,

Defendant.

\_\_\_\_\_ /

**ORDER**

Before the Court is Plaintiff's timely unopposed motion for attorney's fees pursuant to 28 U.S.C. § 2412(d) of the Equal Access to Justice Act ("EAJA") with supporting affidavits (Dkts. 22, 23, 24) and the well-reasoned report issued by United States Magistrate Judge Tuite recommending fees be granted (Dkt. 25). Plaintiff represents that the Commissioner has no objections. Dkt. 22 at 3. After an independent review of the file, the Court adopts, affirms, and approves in all respects the Report and Recommendation (Dkt. 25), which is made a part of this Order for all purposes.

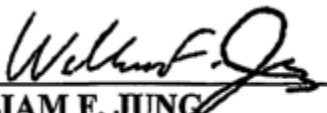
Accordingly, it is **ORDERED and ADJUDGED:**

1. The uncontested motion for EAJA fees (Dkt. 22) is granted.

2. Plaintiff, as the prevailing party, is awarded appropriate and reasonable attorney's fees in the amount of \$7,860.53. If the United States Department of Treasury determines that Plaintiff does not owe a federal debt, then pursuant to Plaintiff's assignment of the EAJA fees to Plaintiff's attorney (Dkt. 24) and *Astrue v. Ratliff*, 560 U.S. 586 (2010), the fees may be paid directly to Plaintiff's counsel.

3. The Clerk shall enter a judgment for attorney's fees in favor of Plaintiff and against Defendant in the amount of \$7,860.53 under the Equal Access to Justice Act, 28 U.S.C. § 2142(d).

**DONE AND ORDERED** at Tampa, Florida, on June 21, 2021.

  
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**WILLIAM F. JUNG**  
**UNITED STATES DISTRICT JUDGE**

**Copies furnished to:**  
Counsel of record